

# YOUTH SERVICES POLICY

<b>Title:</b> Attorney Visits <b>Next Annual Review Date:</b> 04/27/2010	<b>Type:</b> C. Field Operations <b>Sub Type:</b> 1. General <b>Number:</b> C.1.4
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<b>References:</b> ACA Standard 2-CO-3C-01 (Administration of Correctional Agencies); YS Policies C.2.5 "Searches of Visitors" and C.2.8 "Youth Visitation"	
<b>STATUS:</b> Approved	
<b>Approved By:</b> Mary L. Livers, Deputy Secretary	<b>Date of Approval:</b> 04/27/2009

## I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To provide uniform procedures for approving and conducting attorney visits.

## III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Deputy Assistant Secretaries and all Facility Directors. It is the Director's responsibility to convey the contents of this policy to all youth, affected employees and attorneys seeking to visit.

## IV. DEFINITIONS:

**ALR** - authorized legal representatives, which includes paralegals, certified legal assistants (CLAs), law clerks, investigators, and youth advocates.

**CLA** - a certified legal assistant.

**Facility Director** - OJJ employee in charge of operating all aspects of a secure facility, also referred to as "Director".

**Youth Advocate** - a person working for a non-profit organization or government agency whose mission includes advocating for delinquent youth in the custody of OJJ. A youth advocate must work under the supervision of an attorney licensed to practice law in Louisiana who is employed by the same non-profit organization or government agency.

**V. POLICY:**

It is the Deputy Secretary's policy that attorney visits be in accordance with the following procedures.

**VI. PROCEDURES:**

- A. Approval of Attorneys: All attorneys who wish to visit a youth who is their client must apply for approval from the Facility Director in advance of the visit. Their credentials must be verified through the Louisiana State Bar Association (LSBA) prior to being approved to visit or engage in privileged communication with youth. Verification may be obtained by going to the LSBA website ([www.lsba.org](http://www.lsba.org)) and clicking on the "Membership" button, or calling the LSBA at 1-800-421-5722. The Director shall advise the attorney of his approval or non-approval to visit.
- B. Approval of Authorized Legal Representatives (ALR): Paralegals, legal assistants, law clerks, investigators, and youth advocates are authorized representatives of an attorney. ALRs may be permitted to enter the facility to conduct interviews with clients of their supervising attorney, either with the attorney or alone, at the discretion of the Director. Prior to an ALR being approved to enter the grounds of the facility, the following criteria must be met by the employing/supervising attorney:
  - 1. The ALR must not be on the visiting list of any youth confined in a secure care facility.
  - 2. A paralegal must have completed a paralegal or legal assistant study program at an accredited four-year college or junior college, or have completed a paralegal or legal assistant study program approved by the American Bar Association. (Certification by the National Association of Legal Assistants, Inc. as a Certified Legal Assistant (CLA) may be substituted for the aforementioned programs.)
  - 3. The employing or supervising attorney must submit an affidavit [Attachment C.1.4 (a)] to the Facility Director certifying the following:
    - a. The ALRs name, social security number, and date of birth;
    - b. The length of time the ALR has been employed or supervised by the attorney;
    - c. Paralegals, CLAs, and investigators must attach a copy of their certification or license to the affidavit.

The Director shall verify the information and notify the attorney whether the request is approved or denied. As long as the ALR continues in the employ or under the supervision of the same attorney, visits may be approved for a period not to exceed one year.

- C. Scheduling: Visits by attorneys and/or their authorized representatives must be scheduled through the Facility Director's office at least 24 hours in advance.
- D. Time of visits: Visits by attorneys and their authorized representatives must take place Monday through Friday, excluding holidays, between the hours of 8 a.m. and 4 p.m.
- E. Exceptions:
  - 1. The Director may approve special visits not in conformity with Sections 6.A., B., C. and D. when unusual circumstances warrant.
  - 2. Any improper acts or unethical behavior with a youth during a visit may result in an attorney or ALR being denied future requests to visit a youth.

**VII. LIMITATIONS ON VISITS:**

- A. Number of youth: Generally, no more than ten youth may be seen at any one time, and no more than twenty on any one day. Further limitations may be imposed by the Director if valid reasons exist.
- B. Number of attorneys: Generally, no more than two persons (attorneys, ALRs or any combination thereof) may see a youth on any one day, subject to available space and security constraints. Exceptions may be approved for good cause by the Director.

**VIII. GENERAL:**

- A. ALRs may be required to attend training/orientation prior to being allowed to visit.
- B. Youth may refuse to see any attorney. Such refusal should be in writing.
- C. A log shall be maintained of all visits by attorneys and ALRs.
- D. Visits may be visually observed. Conversations between youth and counsel shall not be audio-monitored under any circumstances.

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- E. Attorneys and ALRs are subject to the procedures regarding searches outlined in YS Policy No. C.2.5 "Searches of Visitors," and/or C.2.4 "Searches of Employees."

### **IX. EXCEPTION:**

With the exception of Section VIII.E. this policy does not apply to attorneys representing the State, Youth Services, or the facility.

**Previous Regulation/Policy Number:** C.1.4

**Previous Effective Date:** 10/09/2006



**Attachments/References:** C.1.4 (a) Authorized Legal Rep Affidavit.doc